

Filed for intro on 02/15/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB1166  
By Williams

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 34, Part 2, relative to liability for injury or damages to trespassers on real property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following as a new section:

(a) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for the death of or injury or damage to a trespasser upon such property resulting from or arising by reason of the trespasser's commission of the offense of criminal trespass as set out in Tennessee Code Annotated, Section 39-14-405, or aggravated criminal trespass as set out in Tennessee Code Annotated, Section 39-14-406, if such trespasser was:

(1) Under the influence of alcoholic beverages as evidenced by a blood alcohol content of ten-hundredths of one percent (.10%) or higher;

(2) Illegally under the influence of any substance controlled by the provisions of Tennessee Code Annotated, Title 39, Chapter 17, Part 4;

(3) Under the influence of any other chemical substance; or

(4) Affected by any of the above substances to the extent that such trespasser's normal faculties are impaired.

(b) The person or organization owning or controlling the interest in real property shall not be immune from liability if gross negligence or willful and wanton misconduct on the part of such person or organization or agent thereof is a proximate cause of the death of or injury or damage to the trespasser.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

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